Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

Promoting Diversification of Ownership	)	MB Docket No. 06-121
In The Broadcasting Services;	)	MB Docket No. 02-277
2006 Quadrennial Regulatory Review – Review	)	MM Docket No. 01-235
of the Commission's Broadcast Ownership Rules)		MM Docket No. 01-317
and Other Rules Adopted Pursuant to Section	)	MM Docket No. 00-244
202 of the Telecommunications Act of 1996	)	MB Docket No. 04-228
	)	MB Docket No. 07-294

REPLY COMMENTS OF JT Communications, Ocala, FL

JT Communications respectfully submits these reply comments in response to initial comments filed in the Commission's Third Further Notice of Proposed Rulemaking in the proceedings listed above ("NPRM"). JT Communications supports the Commission's efforts for seeking to diversify the public airwaves, whose licensees clearly do not reflect the population they serve. The additional spectrum makes opportunities available for minorities and other new entrants.

I. INTRODUCTION

JT Communications supports the concept of reallocating channels 5 and 6 as an extension of the FM radio band, and supports the Commission discussions regarding the extension of the FM 2 band to 76 MHz. Increasing the available spectrum will increase

the opportunities available to new entrants, as well as those entities seeking LPFM licenses, which have been precluded from accessing the public airwaves. Many parties have submitted proposals supporting the reallocation of TV Channels 5 and 6 for FM service (*See, e.g.*, *Comments of the Broadcast Maximization Committee ("BMC") and Comments of Educational Media Foundation, et al. ("EMF"), Comments of National Public Radio, Inc. ("NPR"), and Comments of Native Public Media and the National Federation of Community Broadcasters*). In addition to supporting the reallocation, some parties have also submitted detailed proposals as to how that reallocation should take place. These proposals fail to address the technical aspects with specific regard to methods and technologies utilized in the transmission standard.

II. THE BMC PROPOSAL IS A FAVORABLE CONCEPT BUT HAS DRAWBACKS.

The BMC proposal is creative in the concept; however the proposal could encompass more spectrum than what is being lost in Channels 5 and 6. Further, while there are a number of positive aspects to the BMC proposal, JT Communications does not fully support it for a number of reasons:

(1) Pursuant to testing and regulatory approval, the use of TV Channels 2-6 for radio broadcasting will not compete with the current "white space" proposals submitted by PISC. The Commission should not discriminate against the LPFM radio service and limit the LPFM service to the reallocated spectrum,

(2) The need for new receivers limits the practicality of BMC's proposal, and

(3) The digital transmission aspect of BMC's proposal requires additional review.

A. The LPFM service should not be limited to the reallocated spectrum.

BMC proposes dividing up the reallocated spectrum in special segments for LPFM service, NCE operations, and AM migration (*See* Comments of BMC at 2). While JT Communications is not opposed to identifying a special band for LPFM operations in the reallocated spectrum, the Commission should not discriminate against and limit Plums to solely a portion of the reallocated spectrum. LPFM stations should be allowed to continue to operate in the 88-108 MHz band as they currently operate. Moreover, migration to the reallocated spectrum should be strictly optional for LPFM stations. As the Commission has already recognized, an efficient use of the scarce spectrum can be accomplished by filling in small vacant holes in the existing band with an LPFM service. (*See Report and Order*, MM Docket No. 99-25, 15 FCCRcd 2205, 2228 (2000) [the Commission decided to authorize LPFMs "throughout the FM Band, where the stations will fit…"]). Thus, there is no reason to leave open available spectrum in the current band that could be occupied by smaller services such as the LPFM service. In consideration of the many years given for analog migration to DTV, reallocation of Channels 5 and 6 should require a similar transition. Receivers should be available universally, *e.g.*, in cars, portable devices, home stereos, etc.

B. The need for new receivers limits the practicality of BMR's proposal for NCEs and LPFMs.

The viability of BMC's proposal is dependent on the availability and pervasiveness of new receivers. Currently, the single most significant positive characteristic of radio in competition with other media sources is the plethora of analog radio receivers. Thus, no service in the existing FM band should be forced to relocate. Additionally, to ensure that the services allotted on the reallocated spectrum can succeed, no migration should be forced until sales for receivers demonstrate that a certain percentage of the population has purchased such new receivers. Further, because of the lack of adequate receivers, the BMC proposal is not, despite its assertions, a solution to the issues raised in *Creation of a Low Power Radio Service* (Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCCRcd 21912 (2007)) That proceeding has raised such issues as the priority of LPFMs and translators, encroachment of LPFMs by full-power stations, and the resolution of second and third adjacent interference. While the concept of moving the LPFM service to Channels 5 and 6 (in which most receivers cannot access these channels) may appeal to incumbent broadcasters; such a proposal is not acceptable to low power advocates. JT Communications realizes that a reallocation of Channels 5 and 6 would be helpful in addressing the great demand for spectrum on the current FM band and opening up more possibilities for women, minorities, and other new entrants in the far distant future, the BMC proposal is simply not a solution to the issues raised in the LPFM proceeding. Some current receivers can receive a few channels below the standard FM band, and in Japan, receivers already exist that can receive channels broadcasting in the 76 MHz to 90 MHz band. As a practical matter, the Commission will have to fully consider the aspect of digital coverage and will have to create a record demonstrating the lack of

digital interference with adjacent channels. In HD radio, current transmissions are already causing small amounts of interference to existing analog operation, the digital coverage is far smaller than promised, and now that many years have passed since the inception of digital FM broadcasting, broadcasters are seeking an increase in power of *up to 10dB* to fix the shortcomings of the system(*See* Letter by Joint Parties, *In the Matter of Digital Audio Broadcasting Systems and Their Impact On the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325 - June 10, 2008).

C. The digital transmission method of BMC's proposal requires further study.

Many comments filed indicate different approaches as to whether the reallocated spectrum should be analog or digital. Since the benefits of the analog use of the new spectrum could be more immediate, JT Communications recommends that the Commission allow the analog use of those channels upon immediate reallocation, during which time the Commission can ascertain how to implement a universal, non-proprietary, 'open sourced' digital standard. Digital transmission would allow for more efficient use of the reallocated spectrum, thereby creating more channels for new entrants. Although JT Communications supports the idea of digital transmission technology on the reallocated spectrum, we strongly caution that the digitization of the 76 MHz to 88 MHz band should not take place in the same manner that occurred in the current AM/FM broadcast bands. JT Communications urges the Commission to consider a variety of digital standards for the reallocated spectrum, and refrain from adopting a proprietary, trade-restrained technology standard impacted with licensing fees, and support BMC for advocating the use. JT

Communications is concerned with the Commission considering iBiquity as the sole standard. While the iBiquity Corporation digital standard could be very useful and iBiquity Corporation could have a significant role to play in the digitization of the 76 MHz to 88 MHz band, the iBiquity software should only be considered a *de facto* standard only if iBiquity Corporation makes their standards 'Open source' architecture. The adoption of an open standard would promote genuine competition in the software underlying digital radio, which could hasten the improvement and development of digital radio technology. JT Communications also supports BMC's recommendation for the use of 100 kHz channels rather than the traditional 200 kHz channel. Indeed, depending on many factors, even smaller bandwidth allocations may be warranted if technology allows. Thousands of small groups around the United States continue to request and be denied access to the use of a single broadcast channel in a single locality, and the use of 100 kHz channels would allow for more new entrants on the public airwaves.

III. The Commission should consider allocating different sections of spectrum to a variety of entities.

The Commission should consider allocating different portions of the reallocated spectrum to different types of entities. The distinction made between commercial and non-commercial programming, though not without some issues, has been one of the most successful policies instituted by the Commission. Radio audiences know that if they tune into channels 88 to 92 they are more likely to hear programming of an educational or cultural nature than that which is found in the commercial band. Similarly, in the new

digital space, spectrum could be allocated for different services such as: religious broadcasting, public radio, schools and colleges, public safety, organizations serving minority constituencies, and other new non-profit entrants. In other words, if different types of services had reasonable access to a given number of available channels based on the nature of the broadcasting, the politicized spectrum battles between unequal opponents could become a thing of the past. While in the past some entities have challenged similar attempts because of alleged content differentiation, the non-commercial/commercial distinction is an excellent example of a similar plan that has worked. These matters deserve their own NPRM, where details would be addressed, but such an allocation could ensure that new entrants have the opportunity to access the public airwaves.

IV. CONCLUSION

While the current proposals reflect a good starting point in the allocation of the proposed spectrum, the proposals do have some drawbacks. Regardless, JT Communications supports the expansion of Channels 5 and 6 for FM broadcasting as a means to increase the ability of minorities, and other new entrants to obtain broadcast licenses. Thus, the Commission should move forward with the reallocation.

Respectfully submitted,

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